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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,571	12/19/2000	Kathryn L. Parker	MS	5903
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Homer L. Knearl Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903			EXAMINER PATEL, HARESH N	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/741,571	Applicant(s) PARKER ET AL.	
	Examiner Haresh Patel	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-25 is/are pending in the application.
4a) Of the above claim(s) 19-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-18 is/are rejected.
- 7) ☒ Claim(s) 14-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 6-25 are subject to examination. Claims 1-5 are cancelled.

Response to Arguments

2. Applicant's arguments filed 7/22/2005, pages 6-14, have been fully considered but they are not persuasive. Therefore, rejection of claims 6-18 is maintained. (Note: claims 19-25 are withdrawn, please see below election/restriction section of this office action).

Applicant argues (1), "cited reference, i.e., Treyz et al., 6,587,835 (Hereinafter Treyz) does not disclose or teach or suggest the claimed limitations, i.e., storing two or more profiles of notification events for a user in the memory of the small computer device, associating notification events with different notification types, a memory unit storing a plurality of profiles for a user, the profile relating notification events with notification types, selection of a profile based on the user's present environment, modifications of associations based on the user's environment, to provide different notification types based on a user's environment, different types of notifications depending on the environment of the user, alter the type of alert notification, high volume ring, a flashing light, depending on the environment of the user, such as when the user is in a meeting". The examiner respectfully disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies, "storing two or more profiles of notification events for a user in the memory of the small computer device, associating notification events with different notification types, a memory unit storing a plurality of profiles for a user, the profile relating notification events with notification types, selection of a

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profile based on the user's present environment, modifications of associations based on the user's environment, to provide different notification types based on a user's environment, different types of notifications depending on the environment of the user, alter the type of alert notification, high volume ring, a flashing light, depending on the environment of the user, such as when the user is in a meeting", are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The First inquiry must be into exactly what the claims define. See *In re Wilder*, 166 USPQ 545, 548 (CCPA 1970). What is claimed is, "storing two or more profiles of notification events for a user wherein the notification events are associated with at least one notification type". Treyz discloses the claimed limitations, storing two or more profiles (e.g., each message type (fig. 69) denotes different profiles that a user can adjust to receive notification of events, i.e., proximity, local, notifications, etc, col., 35, line 53 – col., 36, line 10, col., 44, lines 20-65), of notification events for a user (e.g., multiple accounts of a user is supported by handheld computing device, col., 26, lines 29-33) in the memory of the small computer device wherein the notification events are associated with at least one notification type (e.g., multiple users may be supported by handheld computing device, col., 26, lines 29-33, hence, each user may access a different shopping list and set different notification settings. As disclosed in figure 69 each user after login (each of his/her accounts) on selects and applies a particular notification mode in order to receive a notification of an event. Each message type (fig. 69) denotes different profiles that a user can adjust to receive notification of events, i.e., proximity, local, notifications, etc, col., 35, line 53 – col., 36, line 10, col., 44, lines 20-65). Also, page 19, lines 16 – 21, clearly states,

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“Although the invention has been described in language specific to structural features and/or methodological steps, it is to be understood that the invention defined in the appended claims is not necessarily limited to the specific features or steps described. Rather, the specific features and steps are disclosed as preferred forms of implementing the claimed invention. Since many embodiments of the invention can be made without departing from the spirit and scope of the invention, the invention resides in the claims hereinafter appended”. Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

Applicant argues (2), “the combined teachings of cited references, i.e., Treyz and Wies do not disclose or teach or suggest the claimed limitations, i.e., assignment of a particular sound file to a particular event”. The examiner respectfully disagrees in response to applicant's arguments. Treyz teaches the concept of accessing the settings that are stored in the profile, for example, to assign/select a tone for a notification event (e.g., figure 69, col., 35, line 53 – col., 36, line 10, col., 44, lines 20-65). Wies discloses assignment of a particular sound file to a particular event (e.g., col., 7, lines 2-3, col., 32, line 48 – col., 33, line 3). With the combined teachings of Treyz and Wies a sound file would be utilized to provide an audio alert assigned to an event. A profile containing information related to a user including sound file selection help the user to select different sound files for different events. The selection of a sound file for an event help store the sound file for a user. Also, page 19, lines 16 – 21, clearly states, “Although the invention has been described in language specific to structural features and/or methodological steps, it is to be understood that the invention defined in the appended claims is not necessarily limited to the specific features or steps described. Rather, the specific features

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and steps are disclosed as preferred forms of implementing the claimed invention. Since many embodiments of the invention can be made without departing from the spirit and scope of the invention, the invention resides in the claims hereinafter appended". Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

Applicant argues (3), "Zimmers et al., 6,816,878 (Hereinafter Zimmers) and Shetty et al., 5,808,907 (Hereinafter Shetty) are Non-analogous Art as there is no suggestion to combine these references". The examiner respectfully disagrees. As per the claimed invention, the invention only accomplishes a computer process / system for notifying a user of notification events. Treyz teaches the applicant's claimed invention a computer program product readable by a computer and encoding instructions for executing a computer process for notifying a user of notification events (e.g., a handheld computing device notifications, figure 69), computer system for notifying a user of notification events (e.g., a handheld computing device notifications, figure 69). Zimmers and Shetty also disclose the limitations regarding the applicant's concerned notification and events, which is the same field of endeavor. Further, In response to applicant's argument that Zimmers and Shetty is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). See 2141.01 (a). It is well established that a conclusion of obviousness may be made based on a combination of references based on a reason, suggestion or motivation to lead an inventor to combine those references. *In re Pro-Mold and Tool Co. v. Great Lakes Plastic Inc.*,

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37 USPQ2d 1626, 1629 (Fed. Cir. 1996). Also, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of a primary reference. It is also not that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. *In re Keller*, 642 F.2d 414, 425, 208 USPQ 871, 881 (CCPA 1981); *In re Young*, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991). The combined teachings of these reference meet the broadly claimed limitations what the invention accomplishes. Therefore, the rejection is maintained.

Election/Restrictions

3. Newly submitted claims 19-25 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 6-18 are drawn to notifying a user of multiple events according to the selected mode, classified in Class 719, subclass 318.

Claims 19-25 are drawn to switching among multiple profiles in response to a change in an environment of the user, classified in Class 718, subclass 108.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. In the instant case the different inventions as group I Claims 6-18, are drawn to notifying a user of multiple events according to the selected mode, lacking switching among multiple profiles in response to a change in an environment of the user. Therefore, inventions I and II have different functions, different modes of operation and they have different effects.

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These inventions are distinct for the reasons given above, and the search required for each Group is different and not co-extensive for examination purpose. For example, the searches for the two inventions would not be co-extensive because these groups would require different searches on PTO's classification class and subclass as following:

(a) Group I search (claims 6-18) would require use of search Class 719, subclass 318 (not required for the invention II).

(b) Group II search (claims 19-25) would require use of search Class 718, subclass 108 (not required for the invention I).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 19-25 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

4. Claims 14-18 are objected to because of the following informalities.
5. Claims 14-18 mention, "The computer system as defined in claim" which is incorrect. It should be "The method as defined in claim". (See previous office action, dated 3/25/2005, In order to add new dependent claims, new claim numbers must be used, rather using the previously rejected claim numbers. Claims 14-18 represent method claims, which are properly rejected method claims).

Claim Rejections - 35 USC § 102

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 6-13, are rejected under 35 U.S.C. 102(e) as being anticipated by Treyz et al.

6,587,835 (Hereinafter Treyz).

8. As per claims 6 and 9, Treyz teaches the following:

a computer program product readable by a computer and encoding instructions for executing a computer process for notifying a user of notification events (e.g., a handheld computing device notifications, figure 69), the process comprising,

a computer system for notifying a user of notification events (e.g., a handheld computing device notifications, figure 69), the system comprising:

storing two or more profiles (e.g., each message type (fig. 69) denotes different profiles that a user can adjust to receive notification of events, i.e., proximity, local, notifications, etc, col., 35, line 53 – col., 36, line 10, col., 44, lines 20-65), of notification events for a user (e.g., multiple accounts of a user supported by handheld computing device, col., 26, lines 29-33) in the memory of the small computer device wherein the notification events are associated with at least one notification type and notifying a user of an event according to the stored profile (e.g., multiple users may be supported by handheld computing device, col., 26, lines 29-33, hence, each user may access a different shopping list and set different notification settings. As disclosed in figure 69 each user after login (each of his/her accounts) on selects and applies a particular

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notification mode in order to receive a notification of an event. Each message type (fig. 69) denotes different profiles that a user can adjust to receive notification of events, i.e., proximity, local, notifications, etc, col., 35, line 53 – col., 36, line 10, col., 44, lines 20-65),

at least one profile of notification events (e.g., the user can select message types, like, proximity, local, notifications, reminders, e-mail, etc. The message types are different types of events. The alert response for each message type, like, vibration, visual only, tone, etc are the different types of notifications, which user can select for each event figure 69 and 70, col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65), wherein the notification events are associated with at least one notification type (e.g., the user can select message types, like, proximity, local, notifications, reminders, e-mail, etc. The message types are different types of events. The alert response for each message type, like, vibration, visual only, tone, etc are the different types of notifications, which user can select for each event figure 69 and 70, col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65),

associating profile with a unique notification mode (e.g., the relationship between the message types (notification event) and the alert response (notification type) for each message type, like, vibration, visual only, tone, etc., figure 69 and 70, col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65),

receiving a selection signal to select one notification mode (e.g., graphical user interface prompts to the user, col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65),

applying the selected notification mode to the small computer device wherein the device remains in the selected notification mode until another notification mode is selected and wherein the user is notified of events according to the selected notification mode, notifying a user of an

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event according to the stored profile (e.g., user can store his personnel settings (hence notification mode saved until personnel settings are altered for another selection for the notification type) for the messages events with the notification types and to select the events versus notification types, which can be saved locally or at a remote server and which user can modify whenever he desires to do so, figure 69 and 70, col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65),

a memory unit for storing a plurality of profiles for a user (e.g., storage for multiple profiles and support for multiple users, multiple accounts available to each user, figure 4, col., 35, line 53 – col., 36, line 10, col., 44, lines 20-65), the profile relating notification events with notification types (e.g., user can store his personnel settings for the messages events with the notification types and to select the events versus notification types, which can be saved locally or at a remote server and which user can modify whenever he desires to do so, figure 69 and 70, col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65),

a first output device for notifying the user of a notification event using a first notification type (e.g., speaker to provide audible alert to the user, col. 35, lines 53-64),

a second output device for notifying the user of the notification event using a second notification type wherein the second notification type is different from the first notification type (e.g., vibration unit 116 may be used to vibrate handheld computing unit when it is desired to alert the user by vibrations without disturbing people in the vicinity of handheld computing unit by not using an audible alert, col. 15, line 64 – col.16, line 15);

a processing unit in response to a profile selected from the plurality of profiles in the memory unit automatically determining whether to notify the user using the first notification

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type or the second notification type (processor, figure 4, audio tones or vibration unit, col. 15, line 64 – col.16, line 15).

9. As per claims 7, 8, 10-13, Treyz teaches the following:

a calendar-type application program storing reminder events and wherein the selection signal is generated by the calendar-type application program, the notification event is a calendar event stored by a calendar-type application program (e.g., calendar of events at a bookstore, if the user is interested in the event, the user may select set reminder option, col. 35, lines 53-64),

the notification event is the reception of email over a wireless network, (e.g., the handheld computing device may also be used for communications functions such as sending and receiving e-mail. Wireless communications may involve short-range or local wireless links and may also involve longer-range or remote wireless links (col. 2, lines 11-15),

applying the selected notification mode to the small computer device and wherein the device remains in the selected mode until another mode is selected and wherein the user is notified of events according to the selected notification mode (e.g., the user can select and set notification events. The user settings are retained using the handheld device for each user. The user is also allowed to select and set notification types for the notification events. Also the user is allowed to select or modify or retain the notification type for each notification event, in the manner the user desires to do so (e.g., figure 69 and 70, col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65),

associating profile with a unique notification mode (e.g., the user can select and set notification events. The user settings are retained using the handheld device for each user. The

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user is also allowed to select and set notification types for the notification events. Also the user is allowed to select or modify or retain the notification type for each notification event, in the manner the user desires to do so (e.g., figure 69 and 70, col. 35, line 53 – col. 36, line 10, col. 44, lines 20 – 65),

receiving a selection signal to select one notification mode (e.g., graphical user interface provided by the handheld device to the user for notification mode selections, col. 35, lines 53-64),

the first notification type is an audible signal and the second notification type is a visual display, the first notification type is a vibration signal and the second notification type is an audible signal (e.g., audio tones or vibration unit etc. with different output notification types, col. 15, line 64 – col.16, line 15).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view of Wies et. al, 6,125,385 (Hereafter Wies).

12. As per claim 14, Treyz teaches the claimed limitations rejected under claim 2 as above. Treyz also teaches the concept of accessing the settings that are stored in the profile, for

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example, to assign/select a tone for a notification event (e.g., figure 69, col., 35, line 53 – col., 36, line 10, col., 44, lines 20-65).

However, Treyz does not specifically mention about assignment of a particular sound file to a particular event.

Wies discloses assignment of a particular sound file to a particular event (e.g., col., 7, lines 2-3, col., 32, line 48 – col., 33, line 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Treyz with the teachings of Wies in order to facilitate assigning a particular sound file to a particular event because a sound file would be used to help provide an audio alert assigned to an event. A profile containing information related to a user including sound file selection will help the user to select different sound files for different events. The selection of a sound file for an event would help store the sound file for a user.

13. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view of Zimmers et al., 6,816,878 (Hereinafter Zimmers).

14. As per claim 15, Treyz teaches the claimed limitations rejected under claim 2 as disclosed above. However, Treyz does not specifically mention about an event notification type based on a user's present environment.

Zimmers discloses the concept to module an event notification type based on a user's present environment (e.g., col., 7, lines 5 - 58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Treyz with the teachings of Zimmers in order to facilitate

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an event notification type based on a user's present environment because the notification type and the environment would help provide different notifications based on the event type. The user's present environment would help provide notification for the user. The notification with type would help the user to know about the notification event.

15. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view of Shetty et al., 5,808,907 (Hereinafter Shetty).

16. As per claims 16-18, Treyz teaches the claimed limitations rejected under claim 2 as disclosed above. However, Treyz does not specifically mention about a user is capable of being notified of an event in a plurality of ways, depending on a currently selected profile, each of a plurality of profiles contains the plurality of notifications for an event.

Shetty discloses the concept of a user notified of an event in a plurality of ways (e.g., col., 2, lines 38 - 61), depending on a currently selected profile (e.g., col., 2, lines 38 - 61), each of a plurality of profiles contains the plurality of notifications for an event (e.g., col., 2, lines 38 - 61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Treyz with the teachings of Shetty in order to facilitate a user notified of an event in a plurality of ways, depending on a currently selected profile, each of a plurality of profiles contains the plurality of notifications for an event because the event would help notify the user. The plurality of ways would help event provided to the user. The currently selected profile would help the software know which way the event needs to be provided to the user. Having a plurality of profiles would help the user to support multiple events. The plurality

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of notifications for an event would help the event notified to the user using different notifications.

Conclusion

17. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the

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claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

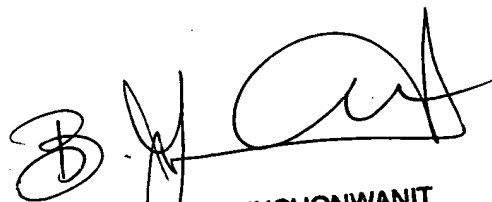
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

October 15, 2005



BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER